

IC 20-46-5**Chapter 5. School Bus Replacement Levy****IC 20-46-5-1****"Fund"**

Sec. 1. As used in this chapter, "fund" refers to the school bus replacement fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-2**"Levy"**

Sec. 2. As used in this chapter, "levy" refers to a levy imposed under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-3**"Plan"**

Sec. 3. As used in this chapter, "plan" refers to a school bus acquisition plan adopted or amended under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-4**Power; levy**

Sec. 4. Each school corporation may levy for a calendar year a property tax for the fund in accordance with the school bus acquisition plan adopted under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-5**Levy procedures**

Sec. 5. The levy tax rate and the levy shall be established as a part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-6**Requirement; plan; school corporation not in South Bend**

Sec. 6. (a) This section does not apply to a school corporation located in South Bend, unless a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.

(b) Before a governing body may collect property taxes for the fund in a particular calendar year, the governing body must, after January 1 and not later than September 20 of the immediately preceding year:

- (1) conduct a public hearing on; and
- (2) pass a resolution to adopt;

a plan.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-7**Requirement; plan; school corporation in South Bend**

Sec. 7. (a) This section applies only to a school corporation located in South Bend.

(b) This section does not apply to the school corporation if a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.

(c) Before the governing body of the school corporation may collect property taxes for the fund in a particular calendar year, the governing body must, after January 1 and on or before February 1 of the immediately preceding year:

- (1) conduct a public hearing on; and
- (2) pass a resolution to adopt;

a plan.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-8**Form; plan**

Sec. 8. (a) The department of local government finance shall prescribe the format of the plan.

(b) A plan must apply to at least the ten (10) budget years immediately following the year the plan is adopted.

(c) A plan must at least include the following:

- (1) An estimate for each year to which it applies of the nature and amount of proposed expenditures from the fund.
- (2) A presumption that the minimum useful life of a school bus is not less than ten (10) years.
- (3) An identification of:

(A) the source of all revenue to be dedicated to the proposed expenditures in the upcoming budget year; and

(B) the amount of property taxes to be collected in that year and the unexpended balance to be retained in the fund for expenditures proposed for a later year.

(4) If the school corporation is seeking to:

(A) acquire; or

(B) contract for transportation services that will provide; additional school buses or school buses with a larger seating capacity as compared with the number and type of school buses from the prior school year, evidence of a demand for increased transportation services within the school corporation. Clause (B) does not apply if contracted transportation services are not paid from the fund.

(5) If the school corporation is seeking to:

(A) replace an existing school bus earlier than ten (10) years after the existing school bus was originally acquired; or

(B) require a contractor to replace a school bus;

evidence that the need exists for the replacement of the school bus. Clause (B) does not apply if contracted transportation services are not paid from the fund.

(6) Evidence that the school corporation that seeks to acquire

additional school buses under this section is acquiring or contracting for the school buses only for the purposes specified in subdivision (4) or for replacement purposes.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-9

Review of plan; department of local government finance

Sec. 9. After reviewing the plan, the department of local government finance shall certify its approval, disapproval, or modification of the plan to the governing body and the county auditor of the county. The department of local government finance may seek the recommendation of the tax control board with respect to this determination. The action of the department of local government finance with respect to the plan is final.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-10

Plan; amendments

Sec. 10. (a) A governing body may amend a plan. When an amendment to a plan is required, the governing body must:

- (1) declare the nature of and the need for the amendment; and
- (2) show cause as to why the original plan no longer meets the needs of the school corporation.

(b) The governing body must then conduct a public hearing on and pass a resolution to adopt the amendment to the plan.

(c) The plan, as proposed to be amended, must comply with the requirements for a plan under section 8 of this chapter.

(d) An amendment to the plan is not subject to the deadlines for adoption described in section 6 or 7 of this chapter. However, the amendment to the plan must be submitted to the department of local government finance for its consideration and is subject to approval, disapproval, or modification in accordance with the procedures for adopting a plan set forth in this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-11

Notice publication requirements

Sec. 11. If a public hearing is scheduled under this section, the governing body shall publish a notice of the public hearing and the proposed plan or amendment to the plan in accordance with IC 5-3-1-2(b).

As added by P.L.2-2006, SEC.169.